

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FIDELITY INFORMATION SERVICES, INC.,

Plaintiff,

-against-

DEBTDOMAIN GLMS PTE LTD., DEBTDOMAIN  
(USA) INC., DAVID LEVY, and SETH ROTHMAN,

Defendants.

Case No. 09-cv-07589-LAK

ECF Case

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Paul Tanck dated September 17, 2010 and the exhibits annexed thereto, and the accompanying Memorandum of Law, and all the prior pleadings and proceedings had herein, defendants shall move this Court on a date to be designated by the Court, for an order, pursuant to Fed. R. Civ. P. 37(b), Fed. R. Civ. P. 37(d), and the inherent powers and authority of the Court, imposing sanctions upon plaintiff Fidelity Information Services, Inc. ("Plaintiff") for violating a discovery order of this Court and failing to attend its own deposition, including but not limited to:

(1) prohibiting Plaintiff from supporting or opposing its claims or defenses through the use of any testimony related to the topics listed in Defendants' Notice of Deposition;

(2) instructing the jury that had Plaintiff provided testimony on the topics listed in the August 18, 2010 30(b)(6) notice it would have been favorable to Defendants;

(3) awarding Defendants monetary sanctions to compensate for the reasonable costs and attorneys' fees they incurred in bringing this motion for sanctions; and granting defendants any such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
September 17, 2010

CHADBOURNE & PARKE LLP

By s/ *Scott Balber*

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